

REMARKS

Claims 13-31 are pending in the application. Claim 13 was rejected under 35 U.S.C. § 112, second paragraph for the reasons discussed in paragraph 3 of the Office Action. Claims 13-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Halvorson in view of Kraslavsky, as discussed in paragraph 4 of the Office Action. Claims 13 and 26 are the only independent claims. Claim 13 has been amended so as to conform with 35 U.S.C. § 112, second paragraph, without narrowing the scope of the claim as filed on December 26, 2001. In particular, claim 13, as amended, recites a plurality of printers prior to reciting an input device operable to enable a user to enter the drug preparation data and a third set of data corresponding to a structured correlation between the drug preparation data and said plurality of printers into said control unit.

Attached hereto is a marked up version of the changes made to claim 13 by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made**".

Applicants respectfully request that the rejection of claim 13 under 35 U.S.C. § 112, second paragraph be withdrawn in light of the amendment thereto.

Applicants respectfully traverse the rejection of claims 13-31 under 35 U.S.C. § 103, for the following reasons.

The drug preparation order system of the present invention permits a user to easily modify a control unit, thereby modifying printing instructions corresponding to various printer stations. One aspect of a system in accordance with the present invention enables a user to view a structured correlation between drug preparation data and the various printer stations. A further aspect of a system in accordance with the present invention enables a user to change the structured correlation between drug preparation data and the various printer stations. In an exemplary embodiment of a system in accordance with the present invention, the structured correlation between drug preparation data and the various printer stations is a table, for example, as illustrated in FIG. 4, and discussed on pages 10 and 11.

For the Examiner's convenience, the attached Figure A illustrates the exemplary embodiment of the present invention that is similar to that as previously illustrated in FIG. 4. In particular, as illustrated in Figure A, an operator, for example at a host computer, enters external data comprising a plurality of sets of data, each set comprising drug data A, B, C, ... etc. When entering this data, the operator attaches a corresponding drug type code to each item of data. For example, to the drug data A, which may for example be data about package tablets, a drug type "4" is attached. By referring to the drug type code in each set of drug data, each set of drug data is associated with a corresponding drug type code, for example in a table such as depicted in either Figure A or Figure 4. In Figure A, for example, data D, F, and H, are data for tablets that are associated with the drug type code "1" in the table. If an order to print, for example the drug data B, C, E, F, G, and I is entered, these sets of data are automatically printed on printers 1, 1, 2, 3, 5 and 5, respectively. If it desired to print drug data for tablets on printer 4, the "table" is called on the monitor, the cursor is moved onto "3" in the "printer number" column, the mouse is clicked, the number key "4" is pressed, the cursor is moved onto the "renew" button, and the mouse again is clicked. By following these steps, data for tablets are all printed on printer 4.

Therefore, the drug preparation order system of the present invention permits a user to easily modify printing instructions corresponding to various printer stations.

Specifically, claim 13 recites a drug preparation order system comprising a control unit having a data storage portion and a printer setting portion, a monitor connected to said control unit, an input device, and a plurality of printers,

wherein said monitor is operable to display a fourth set of data corresponding to the structured correlation between the drug preparation data and said plurality of printers, and

wherein said input device and said control unit are operable to enable the user to modify the third set of data, so as to change the correlation between the drug preparation data and the plurality of printers, by way of modifying the fourth set of data.

Claim 26 recites a drug preparation order system for use with a drug preparation order sheet, the system comprising a control unit including a memory **for storing a table which includes a plurality of drug type codes and a plurality of printer codes, each of said drug type codes corresponding to one of said printer codes**, a display, and a plurality of printers, the control unit further including an input device a means for associating each of the plurality of sets of data with one of the drug type codes, a means for associating each of the plurality of printers with one of the printer codes, **means for displaying the table on said display, means for changing the drug type codes and/or printer codes through the input device while displaying the table on the display**, and means for activating one of said printers that corresponds to the drug type associated with one of the plurality of sets of data to print the one of the plurality of sets of data on the drug preparation order sheet when a command to print the one of the plurality of sets of data is entered.

It is respectfully submitted that the Halvorson and Kraslavsky references, taken alone or in combination, fails to teach the above-identified limitations.

Specifically, as discussed in the personal interview on December 19, 2001, and detailed in the Interview Summary therefore, Halvorson fails to teach the structured correlation defining the printers or that the structure correlation can be manipulated by the user. Further, this is additionally evident in the Office Action wherein page 4 thereof indicates that Halvorson fails to teach "the claimed correlation between the drug preparation data and the plurality [of] printer[s], wherein the correlation may be modified."

Page 4 of the Office Action then states that Kraslavsky teaches "the use of printing software called Novell NetWare® that allows the user to control (modify) the printer's function which are sent to the print server (Fig. 1) (see: column 12, lines 6-13)." The last paragraph on page 4 of the Office Action then states that although Kraslavsky "does not use the print software in the medical field, it would have been obvious modification to incorporate the software in a medical system taught by Halvorson... with the motivation of enabling remote printers to be effective and intelligent members of a network (see: Kraslavsky et al. column 1, lines 5-16), thereby enabling printer patient's prescription information to be given out in a timely and more efficient manner."

Notwithstanding the accuracy of the statement in the last paragraph on page 4 of the Office Action, it is respectfully submitted that first of all, the Examiner has failed to establish a *prima facie* case of obviousness within the meaning of 35 U.S.C. § 103. Specifically, Kraslavsky fails to teach the shortcomings of Halvorson such that a combination of the teachings of Halvorson and Kraslavsky would meet all the requirements of independent claims 13 and 26.

Section 706.02(j) of the Manual of Patent Examining Procedure instructs:

[a]fter indicating that the rejection is under 35 U.S.C. § 103, there should be set forth (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate, (B) the difference or differences in the claim over the applied reference(s), (C) **the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter**, and (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. (Emphasis Added)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** (Emphasis added) *Id.*

The outstanding rejection is under 35 U.S.C. § 103, and both references show or describe inventions other than the claimed invention. As discussed above, there are differences between the prior art teachings and what is claimed. The Examiner has not noted the differences and has not explained why, despite the differences, the invention as a whole would have been obvious to one of ordinary skill at the time the invention was made. In the absence of an explanation supported by specific factual findings based on evidence or sound scientific reasoning, the rejection is merely conclusory in nature and is therefore improper.

In particular, Kraslavsky is similar to Halvorson in one respect, Kraslavsky fails to teach a monitor that displays data corresponding to a structure correlation between drug preparation data and a plurality of printers or a system that provides a user the ability to change the correlation, as required in claim 13. Further, Kraslavsky fails to teach a table that includes a plurality of drug-type codes and a plurality of printer codes, where each drug type code corresponds to one of the printer codes, as required in independent claim 26. Therefore, even if a person of ordinary skill in the art at the time of the invention were to modify Halvorson with the teachings of Kraslavsky, the modified Halvorson system would fail to teach all of the limitations required in independent claims 13 and 26.

Furthermore, the statement “thereby enabling printer patient's prescription information to be given out in a timely and more efficient manner” from the last paragraph on page 4 of the Office Action is not an explanation supported by specific factual findings based on evidence or sound scientific reasoning. In particular, there is no evidence that the printing software of Kraslavsky would enable the Halvorson system to give out patient's prescription information in a “timely and more efficient manner.”

As discussed in the response filed December 26, 2001, Halvorson teaches a system for dispensing medications in a health care institution. In particular, Halvorson discloses a system comprising a plurality of medication dispensing stations, wherein the inventory of each station is updated in a central computer. Specific instructions for dispensing medication may be printed at each station upon demand.

First of all, there is no evidence that Halvorson does not give out patient's prescription information in a timely manner. Second of all, there is no evidence or sound scientific reasoning as to how or why Halvorson would be able to give out patient's prescription information in a more efficient manner by using the printing software of Kraslavsky. Therefore, it is respectfully submitted that the “motivation” provided in the Office Action to combine the teachings of Halvorson and the teachings of Kraslavsky is based on the Examiner's speculation, and is therefore improper. Nevertheless, for the reasons as discussed above, even if the Examiner maintains that the provided “motivation” to combine the teachings of Halvorson and the teachings of Kraslavsky is proper, the combined teachings would still fail to teach all the required features of claims 13 and 26.


In view of the above remarks, Applicants respectfully submit that claims 13 and 26 would not have been obvious over the combination of Halvorson in view of Kraslavsky, and urge that the rejection of claims 13 and 26 and their respective dependent claims 14-25 and 27-31, under 35 U.S.C. 103 be withdrawn.

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, and an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's Amendment, the Examiner is requested to call Applicants attorney at the telephone number shown below.

Respectfully submitted,

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May 15, 2002

13. (Twice Amended) A drug preparation order system comprising:

a control unit operable to carry out logic operations and to output control signals based on drug preparation data, said control unit comprising a data storage portion and a printer setting portion, said data storage portion being operable to store a first set of data corresponding to the drug preparation data;

a monitor connected to said control unit, said monitor being operable to display a second set of data corresponding to the drug preparation data;

a plurality of printers connected to said control unit, said plurality of printers being operable to print on drug preparation order sheets in response to the control signals; and

an input device operable to enable a user to enter the drug preparation data and a third set of data corresponding to a structured correlation between the drug preparation data and said plurality of printers into said control unit[; and

a plurality of printers connected to said control unit, said plurality of printers being operable to print on drug preparation order sheets in response to the control signals],

wherein said printer setting portion is operable to store the third set of data,

wherein said monitor is operable to display a fourth set of data corresponding to the structured correlation between the drug preparation data and said plurality of printers, and

wherein said input device and said control unit are operable to enable the user to modify the third set of data, so as to change the correlation between the drug preparation data and the plurality of printers, by way of modifying the fourth set of data.